

May 17, 2018

Mr. W. Keith Link
3410 Chapman Road
Randallstown, MD 21133

Re: Phelan Property Lot 2 at 20809 Slab Bridge Road
Forest Buffer Variance
Tracking # 03-18-2723

Dear Mr. Link:

A request for a variance from the Baltimore County Code, Article 33, Title 3, a Law for the Protection of Water Quality, Streams, Wetlands and Floodplains, was received by this Department of Environmental Protection and Sustainability (EPS) on May 3, 2018. If granted, the variance would allow the applicant to impact approximately 34 square feet (sf) of the 35-foot setback to the existing Forest Buffer Easement (FBE) during to construct a one-story single family dwelling.

The property is 7.1 acres, 5.9 of which are in the FBE. This buffer was established when the original 10.8-acre Phelan Property was subdivided in 2007. The FBE contains a portion of Silver Run, a Use III-P stream, as well as 1.9 acres of associated 100-year floodplain. The FBE is fully forested and encapsulates the central and eastern portions of the property. No buildings or other manmade structures currently exist on the lot. If the new dwelling were to be built in the location originally proposed on the minor subdivision plan, the driveway would have to be made longer than originally planned due to the property's steep slopes. By shifting the dwelling slightly into the setback to the FBE, the size of the driveway can be reduced by 420 sf, thus reducing the amount of proposed impervious surface. Shifting the home north to avoid the FBE setback is not possible due to the required setback from the existing well.

This Department has reviewed your request and has determined that a practical difficulty exists in fully complying with the 35-foot setback to the FBE on lot 2. Furthermore, impacts to water quality would be minimized given that no wetlands, streams, or forest will be directly impacted by granting this variance and that the proposed lot design will allow for reduced impervious surface resulting in an improvement to water quality over the originally approved design.

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Therefore, we will grant this request in accordance with Section 33-3-106(a)(1) of the Baltimore County Code, with the following conditions:

1. The following note must appear on all subsequent plans submitted for this project:
 - “A variance was granted on May 17, 2018, by the Baltimore County Department of Environmental Protection and Sustainability from the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains to allow impact to 34 square feet of the required 35-foot setback to the existing Forest Buffer Easement. The development shown hereon reflects the fact that this variance was granted. Conditions were placed on this variance to reduce impacts to water quality.”
2. The “Forest Buffer-Do Not Disturb” signs proposed on the approved minor subdivision plan shall be installed along the FBE limit prior to EPS approval of any building or grading permit for lot 2. A list of sign suppliers that carry these signs is enclosed for your use.
3. The development shall reduce the length of the driveway from the original proposal, resulting in a reduction of proposed impervious surface area by at least 420 square feet, as proposed by the applicant.
4. All setbacks to wells and septic systems shall be honored.

It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout will require submittal of revised plans and a new variance request.

Since you are the owner, please sign the statement on the following page as the party responsible for meeting the conditions of this variance and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please contact Ms. Libby Errickson at (410) 887-3980.

Sincerely yours,

David V. Lykens
Deputy Director

DVL/lbe

Enclosure

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I/we agree to the above conditions to bring my/our property into compliance with Law for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Owner/Developer's Signature

Date

Printed Name